

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**BENCH TRIAL CIVIL MINUTE ORDER**

Case No. 18-cv-01865 RS  
18-cv-02279 RS

Case Name: State of California v. Ross  
City of San Jose v. Ross

Date: 1/7/2019

Time: 5 1/2 hours

The Honorable Richard Seeborg

Clerk: Corinne Lew

Court Reporter: Belle Ball and Jo Ann Bryce

**COUNSEL FOR PLTF:**

David Holtzman, R. Matthew Wise,  
Gabrielle Boutin, Todd Grabarsky,  
Malia McPherson, Keith Yeomans,  
Sue Ann Evans, Charles Coleman,  
Anna Ferrari, Noreen Skelly, Anthony Hakl,  
Valarie Flores, Ezra Rosenberg, John Libby,  
Ana Guardado, Andrew Case, Dorian Spence

**COUNSEL FOR DEFT:**

Carol Federighi, Carlotta Wells,  
Marsha Edney, Kate Bailey

Bench Trial Began: 1/7/19

Further Bench Trial: 1/8/19

**PROCEEDINGS**

Bench Trial – Day 1.

**Witnessess Sworn and Examined:** Dr. Colm O'Muircheartaigh,

**Admitted Exhibits:**

**Plaintiff:** PTX-205, PTX-266, PTX-760, PTX-481, PTX-482, PTX-162, PTX-163, PTX-160, PTX-202, PTX-467, PTX-158, PTX-153, PTX-465, PTX-210, PTX-459, PTX-288, PTX-344

**Defendant:**

\*\*\*SEE ATTACHED TRIAL LOG\*\*\*

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**TRIAL SHEET, EXHIBIT and WITNESS LIST**

<b>JUDGE:</b>	<b>PLAINTIFF ATTORNEY:</b>	<b>DEFENSE ATTORNEY:</b>
Richard Seeborg	David Holtzman, R. Matthew Wise, Gabrielle Boutin, Todd Grabarsky, Malia McPherson, Keith Yeomans, Sue Ann Evans, Charles Coleman, Anna Ferrari, Noreen Skelly, Anthony Hakl, Valerie Flores, Ezra Rosenberg, John Libby, Ana Guardado, Andrew Case, Dorian Spence	Carlotta Wells, Carol Federighi, Marsha Edney, Kate Bailey
<b>TRIAL DATE:</b>	<b>REPORTER(S):</b>	<b>CLERK:</b>
1/7/2019	Belle Ball and Jo Ann Bryce	Corinne Lew

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		<u>1/7/19</u>				
		9:00 am			Court convened. All parties present.	
		9:12 am			Opening statement by Ezra Rosenberg.	
		9:20 am			Opening statement by Gabrielle Boutin.	
		9:22 am			Opening statement by Carlotta Wells.	
		9:35 am			Plaintiff calls witness Dr. Colm O'Muircheartaigh; Sworn; Direct exam by Matthew Wise.	
		9:45 am			Witness Dr. Colm O'Muircheartaigh designated as an expert in this case.	
PTX-205			X	X	U.S. Census Bureau, U.S. Census Bureau Statistical Quality Standards (July 2013)	
		10:47 – 11:02 am			Break	
		11:02 am			Plaintiff resumes direct with witness Dr. C. O'Muircheartaigh.	
PTX-266			X	X	Office of Management and Budget (OMB), Standards and Guidelines for Statistical Surveys (Sept. 2006)	
PTX-760			X	X	U.S. Government Accountability Office (GAO) Statement	

Case No: 18-cv-01865-RS and 18-02279 RS

Case Name: State of California v. Ross and City of San Jose v. RossDate: January 7, 2019Courtroom Deputy: Corinne Lew - Court Reporter: Belle Ball and Jo Ann Bryce**EXHIBIT and WITNESS LIST CONTINUED**

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
PTX-481			X	X	U.S. Census Bureau, Press Release: U.S. Census Bureau Demonstrates Readiness for the 2020 Census (September 5, 2018)	
PTX-482			X	X	U. S. Government Accountability Office (GAO), 2020 Census Additional Steps Needed to Finalize Readiness for Peak Field Operations (GAO-19-140)(December 2018)	
PTX-162 163			X	X	Email from Victoria Velkoff re proposed Content Test Proposed Content Test -Victoria Velkoff	
PTX-160			X	X	Brown, David, et al., Understanding the Quality of Alternative Citizenship Data Sources for the 2020 Census (August 6, 2018)	
PTX-718			X			
PTX-285			X			
PTX-719			X			
PTX-758			X			
PTX-271 PTX-286			X X			
		1:30 PM			Court reconvened. Plaintiff resumes direct with witness Dr. C. O'Muircheartaigh.	
PTX-202			X	X	American Community Survey Questionnaire 2017	
PTX-467			X	X	2010 Decennial Census Questionnaire	
PTX-158			X	X	Mikelyn Meyers, U.S. Census Bureau, Respondent Confidentiality Concerns in Multilingual Pretesting Studies and Possible Effects on Response Rates and Data Quality for the 2020 Census	
PTX-153			X	X	2020 CBAMS Focus Groups Audience Summary Report	
PTX-465			X	X	Slide Deck on 2020 Census Barriers, Attitudes, and Motivators Study (CBAMS)	

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Case Name: State of California v. Ross and City of San Jose v. RossDate: January 7, 2019Courtroom Deputy: Corinne Lew - Court Reporter: Belle Ball and Jo Ann Bryce**EXHIBIT and WITNESS LIST CONTINUED**

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
PTX-210			X	X	2020 Census Integrated Communications Plan	
PTX-459			X	X	U.S. Census Bureau (June 8, 2018) Proposed Information Collection, 2020 Census	
PTX-288			X	X	J. David Brown, Jennifer H. Childs, and Amy O'Hara, Using the Census to Evaluate Administrative Records and Vice Versa	
PTX-344			X	X	U.S. Census Bureau, Memorandum for Patrick Cantwell re 2010 Census Count Imputation Results	
		3:17 pm			Break	
		3:30 pm			Court reconvened.	
		3:32 pm			Cross examination of witness Dr. Colm O'Muircheartaigh by Marsha Edney.	
		3:35 pm			Re-direct of C. O'Muircheartaigh by Matthew Wise.	
		3:37 pm			Witness C. O'Muircheartaigh excused.	
		3:38 pm			Attorney for Government Carol Federighi and Attorney for Plaintiff Gabrielle Boutin argue Motion in Limine Re Dr. Barreto. – Matter taken under submission; Motion in Limine denied.	
		4:00 pm			Attorney for Government Kate Bailey and Attorney for Plaintiff Andrew Case argue trial affidavit of Dr. Anderson. The Motion is granted.	
		4:05 pm			Attorney for Government Kate Bailey and Attorney for Plaintiff Ana Guardado argue trial affidavit of Ms. Bourne. The Court overrules the objection, Ms. Bourne can testify.	
		4:13 – 4:30 pm			Attorney for Government Kate Bailey and Attorney for Plaintiff Andrew Case argue trial affidavit of Ms. Clements. The Court overrules the objection, Ms. Clements can testify.	
		4:30 pm			Trial concluded for the day. Bench trial will continue 1/8/19 at 9:30 am.	